

Remarks

Claims 1-8, 13, 17-23 and 28 are pending. The subject matter of claim 10 has been incorporated into the claims. Other editing changes have been made for clarification purposes. No new matter has been added.

The Examiner rejects claims 1-13 and 17-28 under 35 U.S.C. 112 as being indefinite. The Examiner objects to the term “high” in claims 1 and 17 as being a relative term. The phrase “high molecular weight” has been eliminated from the claims. The Examiner objects to “inorganic cation” in claims 5 and 21 as lacking antecedent basis in their referenced claims. These claims have been amended to depend from claims 4 and 20, which each provide the requisite antecedent basis. The Examiner objects to “lubricant” in claims 7 and 17 [21, sic] as lacking antecedent basis in their referenced claims. Claim 7 has been amended to depend from claim 6, which provides the requisite antecedent basis. Claim 17, from which claim 21 depends, already provides for the presence of a lubricant. The Examiner objects to the reference to the diameter of the pores as unclear. Claim 8 has been amended to clarify that the intent is to refer to the molded shell portion as being substantially free of pores within the recited size range.

The Examiner rejects claims 1-13 and 17-28 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 4,808,413 (“Joshi et al.”) in view of U.S. Patent No. 5,190,927 (“Chang et al.”) and U.S. Patent No. 5,840,334 (“Raiden et al.”). Applicants respectfully traverse this rejection.

Claim 1 is now directed to dosage form comprising a shell portion that comprises a composition comprising 40 to 95 weight percent of a water soluble polymer having a cloud point from about 20 to about 90° C, 5 to 25 weight percent carrageenan, and 0.5 to 5 weight percent gellan gum. Claim 17 is now directed to a dosage form comprising a shell portion that comprises a composition comprising 40 to 95 weight percent of a water soluble polymer having a cloud point from about 20 to about 90° C, 5 to 40 weight percent of one or more carrageenans, and 0.5 to 30 weight percent lubricant.

The Examiner asserts that Joshi discloses a beadlets comprising an active ingredient and a binder, including hydroxypropylmethyl cellulose. The Examiner further asserts that further hydrocolloids, such as carrageenan and lubricants can be used. The Examiner cites Chang as showing the use of deacylated gellan gum to produce elastic gels having low brittleness. The Examiner then concludes that it would have been obvious to incorporate the gellan gum, as taught in Chang, into the beadlets of Joshi to achieve the beneficial effect of modifying its flexibility.

The gellan gums taught in Chang are contemplated for use in “food gelling and thickening applications, including but not limited to confections, jams and jellies, fabricated foods, water-based gels, pie fillings and puddings, pet foods, icings and frostings, and dairy products.” Column 2, lines 64-68. The beadlets shown in Joshi are not liquids or gels of any form. These beadlets are produced by spheronization into hard spheres. There is absolutely no basis for incorporating a component shown in Chang intended to improve the characteristics of a gel into a solid spherical beadlet. There is absolutely no evidence that the gellan gum in Chang would have any beneficial effects on a solid beadlet as taught in Joshi. Hence, there is no basis for combining the references cited by the Examiner.

The Examiner has failed to make a prima-facie showing of obviousness. Applicants request that the Examiner reconsider and withdraw his obviousness rejection based on Joshi, Chang and Raiden.

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Applicants submit that the present application is now in condition for allowance. In the event that minor amendment will further prosecution, Applicants request that the Examiner contact the undersigned representative.

Respectfully submitted,

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